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Editorial Comment

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Editorial Comment

Featured in this issue of *THE CATHOLIC LAWYER* are the position papers of the 1971 annual convention of the Eastern Regional Conference of the Canon Law Society of America sponsored by the Brooklyn Diocese's Marriage Court and Chancery with Bishop Mugavero presiding. These papers are of special interest to the practising Catholic attorney particularly in view of the revisions they propose in canon law affecting marriage and its annulment.

George A. Maloney, S. J., Director of Fordham University's John XXIII Center for Eastern Christian Studies, in his paper entitled, "Possible Effects of Ecclesiology on Canon Law" makes a strong plea for open and honest re-examination by church lawyers of the Roman tradition of the present restrictions levied on the divorced and remarried Catholic. He asks also for a new theological development of a more comprehensive spiritual view of marriage to replace the ultra-legalistic and biological norm of "vatum et consummatum" established in the Roman Church in the 12th century and still in effect to this day.

By way of comment on the paper, it may well be argued that the persistent adherence of church law to a narrow anatomical interpretation of "consummation" is anachronistic in view of the sweeping psychological discoveries in our time of the human importance of emotional, affective and spiritual fulfillment in wedded life. Marriage means the total commitment of two persons to each other.

The paper on "Love, Law and Life" by Sister Joan de Lourdes Leonard, Superior of the Brentwood, N.Y., Sisters of St. Joseph, is a departure from the convention's otherwise masculine character.

Commenting on the way that nuns "have vastly changed since the promulgation of the 1917 Code of Canon Law," Sister Joan claims "the greatest catalyst was the 1966 set of norms" issued by Rome for updating the life-styles of religious.

"These norms," she states, "to a degree, measure the distance between the two polarities of religious women today. On the one side, some emphasize the intent of the norms as being renewal rather than change; on the other, a growing number emphasize the freedom of persons and congregations and tend to limit or utterly disparage law."